HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ.
HON'BLE SHRI D.R. DESHMUKH, J.

M.A. (C) No. 486 OF 2007

APPELLANTS CLAIMANTS

1. Smt. P. Subhashini, Wd/o. late K. Mani, aged about 48 years,
2. Shamni Pillai, D/o late K. Mani, aged about 25 years,
3. Sarojni Pillai, D/o late K. Mani, aged about 24 years,
4. Rajni Pillai, D/o late K. Mani, aged about 23 years,
5. M. Hitesh Kumar Pillai, S/o late K. Mani, aged about 19 years,

All R/o. H. Market Qr. No. 25/A, Maroda Sector- Bhilai, Tahsil and District Durg (C.G.)

Versus

RESPONDENTS

1. Prakash Sahu, S/o Shri Bhaiya lai Sahu, aged about 36 years, R/o Baijnathpara, Durg, Tahsil and Distt. Durg (C.G.) DRIVER
2. D. Shayamal Rao, S/o D. Krishnaiya Reddy, R/o J. pocket Qr. No. 19/B Maroda, Sector Bhilai, Tahsil and Distt. Durg (C.G.) OWNER
3. Branch Manager, The Oriental Insurance Company Limited Malviya Nagar, Durg, Tahsil and District Durg, (C.G.) INSURER

Appeal Under Section 173 of Motor Vehicles Act 1988.

Present : Shri NK Chatterjee, Advocate on behalf of Shri Jitendra Gupta, counsel for the appellants.

ORAL ORDER

(Passed on 24th April, 2007)

The following oral order of the Court was passed by

Dilip Raosaheb Deshmukh, J. :

The only point urged by learned counsel appearing for the appellants in this appeal is that learned M.A.C.T. did not take into consideration the monthly income of the deceased. However, perusal of

the impugned award shows that the deceased was aged 13 years at the time of accident and was a non-earning member.

(2) In this view of the matter, we are of the considered opinion that learned M.A.C.T. correctly took the notional income at Rs.15,000/- and assessed the loss of dependency after deducting 1/3rd therefrom. We also notice that although on the basis of the age of the parent of the deceased being 48 years, multiplier 13 was applicable, but, the M.A.C.T. has applied a higher multiplier 15. In this view of the matter, we find no merit in this appeal, which is dismissed at the admission stage itself.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge